

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

DOCKET #: 18-CR-20491-01

Plaintiff.

HON. MATTHEW F. LEITMAN

v.

TARENCE R. MARSHALL,

Defendant.

---

**CHRISTOPHER RAWSTHORNE**  
ASSISTANT U.S. ATTORNEY  
206 FEDERAL BUILDING  
600 CHURCH STREET  
FLINT, MICHIGAN 48502  
TELEPHONE: (313) 226-9100  
christopher.rawsthorne@usdoj.gov

---

**JEFFREY E. CLOTHIER, P-54164**  
ATTORNEY FOR DEFENDANT  
929 MOTT FOUNDATION BUILDING  
503 S. SAGINAW STREET  
FLINT, MICHIGAN 48502  
TELEPHONE: (810) 767-7772  
jeffclothier@comcast.net

---

**DEFENDANT'S SENTENCING MEMORANDUM**

Now comes the Defendant, TARENCE T. MARSHALL, by and through his attorney, JEFFREY E. CLOTHIER and presents this sentencing MEMORANDUM to this Honorable Court. The Defendant pled guilty to Count (1) of the Indictment, Possession of a Firearm in Furtherance of a Drug Trafficking Crime contrary to 18 U.S.C. 924(c)(1)(A)(i) and Count (3) of the Indictment, Possession of a Firearm by a Felon, contrary to 18 U.S.C. 922(g)(1), 18 U.S.C. 924(a)(2). The Rule 11 Plea Agreement limits this Honorable Court to the top of the applicable Advisory Sentencing Guidelines. The guidelines have been scored at 87-93 months followed by a term of supervised release for up to five years. Undersigned counsel does not dispute the scoring of the guidelines in this matter.

**STATEMENT OF THE OFFENSE**

Undersigned counsel stipulates to the factual scenario articulated in the presentence report on pages 5-6. Mr. Marshall takes full responsibility for the actions that led to his arrest and subsequent convictions in this matter. Mr. Marshall has been dealing with substance abuse issues since he was twelve years old. Mr. Marshall has used and abused marijuana, cough syrup, prescription medications, alcohol and other illegal substances since he was a teenager. Mr. Marshall admitted during the presentence interview that, "he was not selling drugs to get rich, instead he was selling drugs to meet his personal drug need and provide money for his family." According to medical records, Tarence Marshall has been diagnosed

with Depression, Alcohol Abuse and Antisocial Personality Disorder. Despite numerous attempts to deal with these issues through counseling and court-ordered programs, these issues continue to plague the Defendant to this day. Mr. Marshall's inability to become drug and alcohol free and his inability to escape his troubled childhood has once again placed him in a position where he is facing a significant term of imprisonment.

### **SENTENCING AGREEMENT**

As indicated previously, the Rule 11 Plea Agreement as well as the presentence report accurately reflect an advisory guideline range of 87-93 months. While this court must still correctly calculate the guideline range, *Gall vs. United States*, 552 US 38 (2007), it may not treat that range as mandatory or presumptive. The Defendant is facing a mandatory minimum of five years in the Bureau of Prisons for Felon in Possession of a Firearm. Any sentence imposed for Felon in Possession of a Firearm in Furtherance of a Drug Trafficking crime MUST run consecutive to the sentence imposed for Felon in Possession of a Firearm. The sentencing guidelines should be "one factor among several" to be considered in imposing an appropriate sentence under 18 U.S.C. 3553.

As this court is well aware, 18 U.S.C. 3553 sets forth several factors for the court to consider when imposing a sentence. Defendant acknowledges that the offenses for which he pled guilty are very serious in nature and have severe sentencing implications. The Defendant understands that drugs and weapons have resulted in several deaths and destroyed this community. It is noteworthy that the Defendant was not selling drugs to get rich rather than to support his own addictions and to support his family. The Defendant kept the firearms in his home for his own protection and to facilitate his drug sales. While the possession of the firearms is a very serious crime, it is noteworthy that the Defendant was not selling drugs on the streets nor was he placing "innocent lives" in jeopardy by carrying his firearm in the streets or threatening anyone's lives.

Any sentence imposed within the guideline range will serve as adequate deterrence to both the Defendant and anyone else facing similar crimes. Tarence Marshall will be removed from this community for a significant amount of time. Whether this court imposes a sentence within or even below the guidelines, he will be away from his family for years.

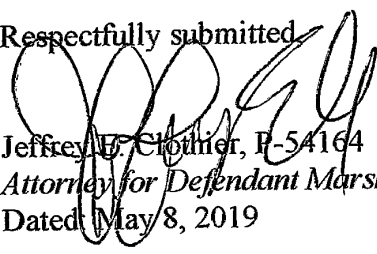
Undersigned counsel agrees that the public does need to be protected from individuals that sell large amounts of drugs and possesses weapons while doing so. However, selling drugs for greed is much different than selling drugs for personal use and to support your family. Mr. Marshall is undereducated, lacks significant employment skills and suffers from both addictive behavior as well as mental health issues. Mr. Marshall is requesting that while he serves his prison term that he be afforded significant drug and alcohol treatment as well as employment training so he does not resort to this type of behavior in the future. Further, Mr. Marshall needs to address his mental health issues while incarcerated so that at some point he can return to his family in a sober and positive state. For all accounts, while dealing with the above issues, Tarence Marshall tried to be a good father and to support his family. Tarence Marshall knows that he is going to Federal Prison for a significant period of time but he

wants to be a part of his children's lives. This is contrary to his father who abandoned their family when Tarence was a child.

Defendant's family has written letters to this court to consider when imposing an appropriate sentence. I have attached these letters for the court's review. Undersigned counsel would submit that the Defendant has the ability to be successful at some point in his life. Defendant served a lengthy prison sentence and was released from parole in 2013. Since his discharge from parole the Defendant has only had minor traffic offenses and a noise ordinance violation. Tarence Marshall can be a productive member of society if he stays sober and deals with his mental health issues.

WHEREFORE, undersigned counsel requests that this Honorable Court impose a sentence below the recommended guidelines in this matter. The attached letters indicate that the Defendant can be successful and a productive member of society if he is afforded significant mental health and substance abuse treatment while incarcerated with the Bureau of Prisons. The family of Tarence Marshall will be punished while the Defendant is away but they desperately want him to be involved in their lives. Whatever punishment this court imposes will be difficult for everyone involved, however, Tarence Marshall is committed that this is his last rodeo with law enforcement. He will never involve himself in self-destructive or criminal behavior in the future. Mr. Marshall understands that while he is being punished and going to prison his family is being punished as well because their father will be out of their lives.

Respectfully submitted,

  
Jeffrey E. Clothier, P-54164  
Attorney for Defendant Marshall  
Dated May 8, 2019

*Prepared by Jeffrey E. Clothier – 929 Mott Foundation Building –  
Flint, Michigan 48502 Telephone: (810) 767-7772 – FAX (810) 238-5148*

Dear Sir,

I'm writing you on behalf of my son Lawrence Marshall, I only ask that you have mercy on him. I know that he has made some mistakes in his life but he live in a house with no heat no lights or water, he was really trying to get his self together, he helped me very much I really cant walk I need knee and hip replacement. When he lost his brother who was shot and it took a lot out of him my son was not killed in no gang related or drug he was just shot and killed 5 weeks before my son was killed he lost a nephew, we have had a lot of losses and I'm not trying to make no excuses for him its just that he has been thru so much and made a lot of hard choices and I do believe that

he email just as we all have  
you only know the reports that  
you read but you don't know  
my son as a person, he has  
a lot to add to society if given  
a chance, you commit a crime  
and do your time and you think  
that its over but its hard to get  
a job because your background  
follows you where ever you go, I  
hope that you can find it in  
your heart and give him a chance  
to do better, put yourself in his  
place and think of how would  
you have done ~~too~~ better, we  
dont all have the same opportunity  
as others in life

Thank you for your time  
to read my letter and please  
do give him a chance to show  
you that he can do better

Deborah Marshall

4-25-19

Your honor

I'm writing you today to explain a little about me and so maybe you can understand why I made some of the decisions I made with regards to this case I understand that there's no reasoning for doing wrong but at that point in my life I seen it as a way to help me at that point I would like to accept responsibility for my actions and say that I made a mistake and that I'm sorry for doing so. I got out of prison MAY 5, 2011 and I came home to nothing I moved in with my girlfriend who now is my child's mother she helped me alot with finding my way in this world after doing 90 months in prison, help with getting cloths, shoes, job interviews, CAR, school then we started having relationship problems because I again made a bad decision to entertain other women and after that our relationship was on the down hill with that I moved around from place to place until I moved in with my brother and his girlfriend and there 4 kids during this time I had a job doing home health care for my mother where I help her with things around the house making \$320 A month then things started coming hard for my heart

And our light got cut off him having 4 kids he started selling drugs to put the lights on for his family at the time we was living in the house with space heaters and candles things was hard at that point for us and even harder for me then I started selling drugs to help my brother with the lighth bill \$1200 is what they had to pay we was basically living in the streets trying to pay the money then on march 19, 2016 my brother was killed and with that I was homeless again with no where to go not wanting to turn to my kids mother house I continued to sale drugs to get me a roof over my head I ended up getting a house from land bank that needed wiring, furnace, and a hot water heater I stayed in the house for 5 month with no water or lights I would get up and go to K.F.C. to wash-up, use the restroom, sometimes I would go to people house to wash up, I hide these thing from my family because I was Ashamed of myself at that point they knew I had a house but they didn't know how I was living up until I came in here I stayed out almost 8 years, I wasn't doing this to have a million dollars or a benz, I did it for survival I made it almost 8 years on my own staying out of trouble I made a bad decision to sell drugs being in here I been thinking about my life the lives of my kids, I recently found out I have diabetes and I just want a chance to right some of my wrongs. Thank you

cavina dobbins <cavinad@icloud.com>

4/5/2019 9:47 AM

Tarence T Marshall 242-584

To jeffclothier@comcast.net

---

To whom it may concern I'm writing this to u because I know Tarence is not perfect, I'm not perfect. But we are human An he is a good father. From my understanding Tarence is an only child with his father an have never had chance. But it didn't stop him from wanting to better by his own kids. He have been incarcerated An came home willing an able to do An be better but he have this thing that nothing good ever happens to him . But I always tell him that's not true he feed the homeless an help his mom out tremendously he have 6 children 5 of them he wasn't able to be in there life growing up but he tried to make it better when he came home . His last child Ciniyah he is in her life they have a bond an it's one of kind please we come to u today to ask for leniency

Sincerely, Cavina Dobbins

Sent from my iPhone